

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 OES-07 PM-05 ACDA-07 NRC-05

IO-13 CIAE-00 INR-07 NSAE-00 NSC-05 EB-07 FEAE-00

DODE-00 SS-15 SP-02 H-01 PA-01 PRS-01 USIA-06

AF-10 ARA-10 EA-07 NEA-10 /135 W

-----039333 221800Z /44

R 221711Z JUL 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC PRIORITY 2654

INFO USERDA HQ WASHDC PRIORITY

USERDA HQ GERMANTOWN PRIORITY

C O N F I D E N T I A L VIENNA 6778

USIAEA

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: ENRG, PARM, TECH, IAEA

SUBJECT: PHYSICAL PROTECTION CONVENTION: MORE ON PROCEDURAL ASPECTS

REF: A) STATE 155299, B) VIENNA 5079

SUMMARY: MEETING BETWEEN AGENCY STAFF MEMBERS AND REPS
OF TEN ADDITIONAL IMPORTANT MEMBER STATES ON SUBJECT OF
U.S. DRAFT CONVENTION, WHILE ELICITING SOME CIRITICISM
OF AGENCY'S PROCEDURE THUS FAR AND DOUBT AS TO LIKELIHOOD
OF ACHIEVING FINAL ACTION ON CONVENTION BY SEPTEMBER 1978,
DISCLOSED UNANIMOUS AGREEMENT ON IMPORTANCE OF THE ISSUE
AND DESIRABILITY OF MOVING AHEAD EXPEDITITUSLY TO REACH
CONSENSUS ON WIDELY ACCEPTABLE DRAFT. VEHICLE FOR
DISCUSSION PROPOSED BY AGENCY IS WORKING GROUP OF
GOVERNMENTAL EXPERTS WITH AUTHORITY TO NEGOTIATE TEXT
OF CONVENTION, FIRST MEETING, TO TAKE PLACE WEEK OF
OCTOBER 31-NOVEMBER 4. ACTION REQUESTED: AUTHORIZATION
FOR MISSION TO CONSULT LOCALLY ON STRUCTURE AND DRAFT
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OF REFERENCE OF WORKING GROUP. END SUMMARY

1. DIRECTOR OF AGENCY'S LEGAL DIVISION (EDWARDS) AGAIN
CALLED TOGETHER REPS OF SIX SUPPLIER STATES (FRENCH REP
OUT OF TOWN) JULY 21 TO REPORT ON RESULTS OF HIS MEETING,
FORESEEN PARA 6, REF B, WITH REPS OF TEN OTHER IMPORTANT
MEMBER STATES. THAT MEETING, WHICH TOOK PLACE JULY 19, WAS

ATTENDED BY REPS OF ARGENTINA, BRAZIL, SPAIN, NETHERLANDS, NIGERIA, CZECHOSLAVAKIA, IRAN, FINLAND, ROMANIA, AND PAKISTAN.

2. ACCORDING TO EDWARDS, DISCUSSION WAS LIVELY. REPS OF LDCS WERE AT OUTSET SOMEWHAT CRITICAL AND SUSPICIOUS OF AGENCY'S PROCEDURE IN CIRCULATING DRAFT CONVENTION WITHOUT IDENTIFYING STATE WHICH HAD SUBMITTED IT. IN ENSUING DISCUSSION, EDWARDS REPORTED, HE WAS ABLE LARGELY TO PUT TO REST ANY SUSPICION THAT THERE WAS ANY INTENT TO MISLEAD IN MANNER OF CIRCULATION. THERE WAS APPARENTLY UNANIMOUS AGREEMENT AMONG REPS PRESENT (NONE OF WHOM HAD INSTRUCTIONS) THAT PHYSICAL PROTECTION OF NUCLEAR MATERIAL WAS MATTER OF HIGHEST IMPORTANCE WHICH SHOULD BE ADDRESSED URGENTLY. EFFORT SHOULD BE MADE TO PRODUCE CONVENTION TEXT WITH THE WIDEST POSSIBLE ACCEPTABILITY. WHILE SOME REPS FORESAW PROBLEMS WITH EXTRADITION PROVISIONS OF U.S. DRAFT, THE DRAFT COULD SERVE AS A WORKING PAPER TO BE ADDRESSED BY EXPERTS. VIEW WAS EXPRESSED BY LDC REPS THAT TASK OF PRODUCING A FINAL DRAFT SHOULD BE UNDERTAKEN BY GOVERNMENTAL EXPERTS; I.E. EXPERTS EQUIPPED WITH NEGOTIATING AUTHORITY, AND ALL AGREED TO EDWARDS' SUGGESTION THAT THE FIRST MEETING OF SUCH A GROUP TAKE PLACE AT THE AGENCY OCTOBER 31-NOVEMBER 4. THERE WAS SOME DOUBT EXPRESSED RE THE POSSIBILITY OF ACHIEVING FINAL CONFIDENTIAL

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ACTION BY SEPTEMBER 1978.

2. EDWARDS NOW PROPOSES TO HAVE ACTING DIR GEN ISSUE CIRCULAR LETTER TO ALL MEMBERS NEXT WEEK INFORMING THEM THAT QUOTE AGENCY FACILITIES WILL BE MADE AVAILABLE UNQUOTE OCTOBER 31-NOVEMBER 4 FOR CONVENING OF A MEETING OF GOVERNMENTAL REPS TO CONSIDER DRAFTING OF A CONVENTION ON PHYSICAL PROTECTION AND THAT SUCH A MEETING MIGHT WISH TO CONSIDER DRAFT ALREADY CIRCULATED. NOTE THAT AGENCY'S ROLE IS MINIMAL AND CONFINED TO PROVISION OF MEETING PLACE PLUS USUAL CONFERENCE SERVICES. EDWARDS POINTS OUT THAT MORE ACTIVE INVOLVEMENT BY AGENCY WOULD PROBABLY REQUIRE BOARD MANDATE.

3. ON THE WHOLE, MISSION BELIEVES THAT EDWARDS CONSULTATIONS ARE WORKING OUT WELL FOR OUR INTERESTS. CONCEPT OF A NEGOTIATING GROUP (WHICH CLEARLY WOULD HAVE TO MEET MORE THAN ONCE HAS CONSIDERABLE MERIT IN THAT IT WOULD ENHANCE PROSPECTS FOR BOARD ADHERENCE TO TEXT WHICH EMERGES. IF EXERCISE IS SUCCESSFUL, GENERAL CONFERENCE IN SEPTEMBER 1978 COULD, AS SUGGESTED, PROVIDE VEHICLE FOR PROMULGATION. HOWEVER, IN ORDER TO

PROMOTE CONFIDENCE AS WELL AS TO AVOID FIRST MEETING
GETTING BOGGED DOWN IN PROCEDURAL MATTERS, IT WILL BE
NECESSARY FOR MISSION TO CONSULT IN ADVANCE WITH KEY
MISSIONS HERE, PARTICULARLY LDCS, ON SUCH MATTERS AS
SELECTION OF A CHAIRMAN, AND VICE-CHAIRMEN, ADOPTION
OF RULES OF PROCEDURE, ETC. ACTION REQUESTED: APPROVAL
OF AGENCY'S PROPOSAL FOR OCTOBER 31 MEETING OF
GOVERNMENTAL REPS AND AUTHORIZATION TO CONSULT WITH
OTHER MISSIONS ON PROCEDURAL ASPECTS. LABOWITZ

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, PHYSICAL SECURITY, NUCLEAR ENERGY, COMMITTEE MEETINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 22-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977VIENNA06778
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770262-0731
Format: TEL
From: VIENNA USIAEA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770727/aaaaawsz.tel
Line Count: 124
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fcd5f264-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 STATE 155299, 77 VIENNA 5079
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 26-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1769657
Secure: OPEN
Status: NATIVE
Subject: PHYSICAL PROTECTION CONVENTION: MORE ON PROCEDURAL ASPECTS
TAGS: ENRG, PARM, TECH, IAEA
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/fcd5f264-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009